

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks.

Claim Status

Claims 1-20 are pending and are rejected. Claims 1-3, 5, 6, 9, 13, 14, 15, 17 and 20 are amended and claims 4, 7, 8, 18 and 19 are canceled without prejudice or disclaimer. After the amendments presented herein, only claims 1 and 9 remain independent in form. No new matter has been added.

Claim Rejections in View of Prior Art

The Examiner has maintained the rejection of the pending claims in view of the prior art as follows:

Independent claims 1 and 17 have been rejected under 35 U.S.C. §102(b) as allegedly anticipated by the previously cited Mimura. The remaining claims have been rejected under 35 USC §103 as being unpatentable over Mimura in combination with other references, all of which were also previously cited, as follows: claim 2: Mimura in view of the previously cited Munson; claims 3-5 and 18: Mimura in view of the previously cited Iwasaki; claims 6-8 and 19: Mimura in view of Iwasaki and further in view of the previously cited Shimuzu; claims 9-15 and 20: Mimura in view of Iwasaki and further in view of the previously cited Faltermeier; and claim 16 Mimura in view of Iwasaki and Faltermeier and further in view of the previously cited Arai.

As for the arguments set forth in Applicants' previously filed amendment (October 31, 2003) regarding the teachings of Mimura, the Examiner disagrees with Applicants' stated position and contends that Mimura discloses that once the photometric area is specified, the optimum amount of light is determined, and based on the determined optimum amount of

light, the object located on the selected photometric area is photographed and that by optionally setting photographic areas excluding excessively luminal areas, the subject can be seen with an optimized amount of light under any condition where the television camera is located. (See ¶1, page 2 of the Office Action.)

The Examiner continues that in Mimura, “the microcomputer 11 excludes the masked blocks and controls the lens 2 on the basis of the signal for the remaining blocks to obtain optimum amount of light on the remaining photometric areas.” (See ¶1, pages 2-3 of the Office Action.)

The Examiner thus apparently admits this masking operation of Mimura as previously explained by Applicants in distinguishing the claimed invention.

Nonetheless, Applicants herein cancel claims 4, 7, 8, 18 and 19 without prejudice or disclaimer, rendering the rejections as to these claims moot, and have amended claims 1-3, 5, 6, 9, 13 14, 15, 17 and 20 (which include independent claims 1 and 9) to further clarify the claimed invention.

In the amendments herein presented, Applicants have sought to clarify “zone” selection and believe such is not taught or suggested in the art of record, alone or in combination.

According to claim 1, a sensed subject image and a frame which shows a photometric zone superimposed on the subject image are displayed on a display unit (EVF 11). At least either the position or size of the frame, namely the photometric zone, can be changed by the zone selecting unit. Thus, the exposure control is performed automatically, using data within the zone manually selected by the user.

The display unit is supported by, for instance, EVF 11 in Figs. 1, 3 and 8-13. Displaying the subject image and a frame on the display unit is supported by, for instance, an adder provided before the display unit in Figs. 1-3 and 8-13.

Mimura discloses to divide a picked-up image into plural blocks, and selects a block/blocks to be masked. The exposure control is performed using data in the unmasked blocks. Mimura does not disclose or suggest to display a frame which shows a photometric zone nor to change the position or size of the frame.

According to Mimura, masked block/blocks are painted over (col. 3, lines 4-11). In this way, a newly picked-up image is partially "masked" and therefore, the user cannot observe the newly picked-up image as a full image until a predetermined time elapses. This is obviously very inconvenient for the user. On the contrary, if the selected block is not masked, then the user cannot know which block has been already selected to be excluded from the exposure control. This is also inconvenient for the user.

In contrast, according to the present invention as described above, a frame is superimposed on a subject image, and a user can change at least either the position or size of the frame. The frame allows a user to observe a full image, to recognize which zone is selected, and to freely select the zone.

Since both the configuration of the apparatus as well as the resultant effects of the present invention are not anticipated nor rendered obvious in view of Mimura, Applicants believe claim 1 and the claims dependent therefrom are patentable over Mimura for at least the foregoing reasons.

Claim 9 is rejected under 35 USC §103 as being unpatentable over Mimura in view of Iwasaki and further in view of the previously cited Faltermeier. However, Applicants respectfully submit that Faltermeier is not available against the present application and that this rejection, accordingly, cannot stand.

The Faltermeier reference (USP 5,579,156) was filed on May 18, 1995. The present application claims priority under 35 USC §119 to application Serial Nos. 7-058904, 7-082643 and 7-082645, filed on March 17, 1995, April 7, 1995 and April 7, 1995, respectively in Japan. Faltermeier is thus not properly available as prior art against this application. Applicants respectfully request that this rejection of claim 9 based in part upon Faltermeier be withdrawn. A certified translation of each of the Japanese priority applications is in the process of being prepared and will be provided as soon as available.

Accordingly independent claim 9 and the claims depending therefrom are thus believed allowable over the art of record.

As the remaining rejected claims are each dependent upon either independent claim 1 or 9, Applicants respectfully submit that these dependent claims are also allowable for at least the same reasons as the independent claims from which they depend. Furthermore, as for Iwasaki and Shimizu, neither of these references discloses selecting a zone to be used for exposure control. Therefore, Applicants respectfully submit that any combination of Mimura and Iwasaki and/or Shimizu does not disclose or suggest any claims depending from claims 1 or 9. While Applicants have not otherwise addressed the individual rejections of the dependent claims, Applicants reserve the right to address those individual rejection of the dependent claims in the future should such be necessary and appropriate.

Accordingly, Applicants respectfully submit that the present invention as claimed is neither anticipated by nor rendered obvious in view of any of the cited references (Mimura, Iwasaki, Shimizu, Faltermeier and Arai) taken individually or in any combination. Applicants respectfully submit that the claims as amended are in condition for allowance for at least the foregoing reasons.

CONCLUSION

Accordingly, Applicants believe that the claims as herein presented are allowable over the cited art as they each recite at least the foregoing features which are not disclosed, taught nor suggested by the cited art, taken alone or in combination. All rejections being overcome, Applicants respectfully submit that the application is in condition for allowance, which action is earnestly solicited.

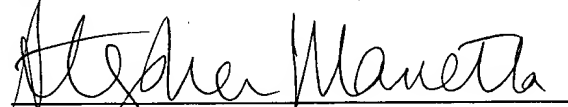
In the event that a telephone conference would facilitate prosecution of the instant application, the Examiner is invited to contact the undersigned at the number provided.

No fees or additional extensions of time are believed necessary for the filing of this paper. However, should an additional extension of time be required to render this filing timely, such is hereby petitioned and the Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this Amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4252US2.

Respectfully submitted,
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